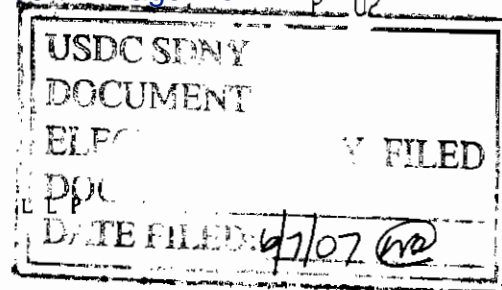


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June 5, 2007

VIA FACSIMILE (212) 805-7924

Honorable Sidney H. Stein
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1010
New York, NY 10007

Re: Highview Global Capital Management, LLC v. Philip Sun
Index No. 07 CIV 4642
KM&M File No. 11112.0001

Dear Judge Stein:

This firm is counsel to plaintiff Highview Global Capital Management, LLC ("Highview") in the referenced action, which was removed by defendant Philip Sun from the Supreme Court of the State of New York, New York County. On the following basis, Highview respectfully requests that this Court schedule a preliminary injunction hearing for the week of June 11, 2007.

The instant matter is one of urgency: it concerns the protection of Highview's trade secrets following defendant's resignation from Highview to begin employment for a competitor in brazen breach of a post-employment non-competition covenant. Defendant, a mathematician and quantitative analyst, resigned his employment from Highview -- an investment advisory firm that manages hedge funds -- in the midst of working on a highly proprietary economic modeling project, and accepted employment with Wellington Management Company LLP -- another investment advisory firm.

After refusing Highview's demands that he abide by his post-employment contractual obligations to refrain from such employment, Highview commenced this action in New York, in accordance with the employment contract's New York forum selection clause, to protect its trade secrets, and the New York State Supreme Court scheduled a preliminary injunction hearing for yesterday, June 4, 2006. On Friday, June 1, 2006, defendant removed the state action to this Court to avoid the hearing; while that removal was not inappropriate, its purpose was, since it unquestionably was designed to delay a preliminary injunction hearing and, even worse, facilitate his blatant

6/6/07
The parties are to appear on Tuesday, June 12 at 5 p.m. in courtroom 23A for an initial conf. So ordered.
F. J. W. Stein
U.S.D.J.



Honorable Sidney H. Stein
June 5, 2007
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attempt to forum shop and have the matter heard by a Massachusetts court in contravention of the forum selection clause. In this regard, the Court should be aware that defendant filed a declaratory judgment action in Massachusetts state court one day following Highview's filing of the instant action, in clear breach of his employment contract's exclusive New York court forum selection clause (and the lack of any connection between the instant dispute and Massachusetts, other than defendant's residence). Highview removed and has now moved to dismiss the Massachusetts action (in favor of this action) and requested that the Massachusetts District Court decide the dismissal motion prior to scheduling a hearing on the merits of the underlying declaratory relief application; the District of Massachusetts agreed, and has set a briefing schedule solely on the motion to dismiss.

Defendant's attempt to delay a determination on the merits should not be rewarded. Inasmuch as defendant should have been prepared to proceed with a hearing on the merits of Highview's preliminary injunction application yesterday, and was required to file opposing papers by June 1, Highview respectfully submits that the Court schedule a preliminary injunction hearing during the week of June 11, 2007.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Lyle S. Zuckerman'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Lyle S. Zuckerman

LSZ:kd

cc: Steven Robert Kramer (Via facsimile)
Peter Carr (Via E-Mail)